

### REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

New claims 16 and 17 have been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-6, 8-12, 16, and 17 are now pending in this application.

#### **Rejection under 35 U.S.C. § 102**

Claims 1 and 12 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,962,739 to Kim *et al.* (hereafter “Kim”). This rejection is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil. Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally MPEP § 2131.

Kim discloses a fabric that includes a layer with an array of plates. See Kim at col. 2, lines 35-38; col. 7, lines 16-19, 55-61. Kim teaches that the plates provide penetration resistance. See Kim at col. 7, lines 24-25, 32-35, 55-61. Kim further discloses an embodiment of a fabric that includes metal guard plates reinforced with a wire mesh. See Kim at col. 22, line 54, to col. 23, line 3.

However, Kim does not disclose a stab-resistant insert for protective textile, said insert comprising at least one metal layer of a woven fabric with metal cords or metal wires, and at least one textile layer, said metal cords or metal wires being the only stab-resistant elements, said textile layer being in contact with and being connected to said metal layer by

an adhesive, wherein said textile layer comprises a non-woven material, as recited in claim 1, because the fabric of Kim includes plates that provide penetration resistance in addition to other fabric materials, such as a wire mesh. Claim 12 depends from claim 1.

For at least the reasons discussed above, Kim does not anticipate claims 1 and 12 because Kim does not disclose all of the features of claim 1. Reconsideration and withdrawal of this rejection is respectfully requested.

Furthermore, it would not have been obvious to one of ordinary skill to modify the fabric of Kim to remove the plates so that only a knit or woven material is provided because Kim teaches against such a modification. For example, Kim teaches that knit or woven constructions provide minimal protection against blade cutting, such as by knives, provide even less protection against abrasive or serrated instruments, and virtually no protection against puncture or piercing. See Kim at col. 1, line 66, to col. 2, line 5.

#### **Rejections under 35 U.S.C. § 103**

##### **Claims 2 and 6**

Claims 2 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of U.S. Patent No. 6,581,212 (hereafter “Andresen”). This rejection is respectfully traversed. Andresen fails to remedy the deficiencies of Kim discussed above in regard to independent claim 1, from which claims 2 and 6 depend. Reconsideration and withdrawal of this rejection is respectfully requested.

##### **Claims 3-5**

Claims 3-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim and Andresen, and further in view of U.S. Patent No. 6,562,435 to Brillhart, III *et al.* (hereafter “Brillhart, III”). This rejection is respectfully traversed. Brillhart, III fails to remedy the deficiencies of Kim and Andresen discussed above in regard to independent claim 1, from which claims 3-5 depend. Reconsideration and withdrawal of this rejection is respectfully requested.

Claim 8

Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim, Andresen, and Brillhart, III, and further in view of U.S. Patent No. 2,758,952 to Toulmin, Jr. (hereafter "Toulmin, Jr."). This rejection is respectfully traversed. Toulmin, Jr. fails to remedy the deficiencies of Kim, Andresen, and Brillhart, III discussed above in regard to independent claim 1, from which claim 8 depends. Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 9 and 10

Claims 9 and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of U.S. Patent No. 5,804,757 to Wynne (hereafter "Wynne"). This rejection is respectfully traversed. Wynne fails to remedy the deficiencies of Kim discussed above in regard to independent claim 1, from which claims 9 and 10 depend. Reconsideration and withdrawal of this rejection is respectfully requested.

Claim 11

Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of U.S. Patent No. 6,807,891 to Fisher (hereafter "Fisher"). This rejection is respectfully traversed. Fisher fails to remedy the deficiencies of Kim discussed above in regard to independent claim 1, from which claim 11 depends. Reconsideration and withdrawal of this rejection is respectfully requested.

New Claim

New claims 16 and 17 have been added.

Claim 16 recites a stab-resistant insert for protective textile, said insert consisting of at least one metal layer of a woven fabric with metal cords or metal wires, and at least one textile layer, said textile layer being in contact with and being connected to said metal layer by an adhesive, wherein said textile layer comprises a non-woven material.

Claim 17 recites a stab-resistant insert for protective textile, said insert consisting of at least one metal layer of a woven fabric with metal cords or metal wires, and at least one textile layer, said textile layer being in contact with and being connected to said metal layer by an adhesive, wherein said textile layer comprises a non-woven material.

Applicant respectfully submits that claims 16 and 17 are allowable over the references relied upon by the Office for at least the reasons discussed above. For example, Kim does not disclose or suggest a stab-resistant insert consisting essentially of, or consisting of, the features of claim 16 because Kim discloses a fabric that includes plates that provide penetration resistance.

Furthermore, as discussed above, it would not have been obvious to one of ordinary skill to modify the fabric of Kim to remove the plates so that only a knit or woven material is provided because Kim teaches against such a modification. For example, Kim teaches that knit or woven constructions provide minimal protection against blade cutting, such as by knives, provide even less protection against abrasive or serrated instruments, and virtually no protection against puncture or piercing. See Kim at col. 1, line 66, to col. 2, line 5.

### **Conclusion**

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.


The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If

any extensions of time are needed for timely acceptance of papers submitted herewith,  
Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment  
of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

MAR 19 2009

Date \_\_\_\_\_

By \_\_\_\_\_

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